

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Rooterman, LLC)	
)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. 1:24-cv-13015
)	
Klodian Belegu, Quality Air Care)	
Corporation, RM Water Damage)	
Restoration LTD, and 911 Sewer & Drain)	
Corporation)	
<i>Defendants.</i>)	
)	

**PLAINTIFFS' REVISED MOTION FOR PRELIMINARY INJUNCTION
TO CONFORM TO AMENDED COMPLAINT FILED DECEMBER 16, 2024**

Plaintiff, Rooterman LLC (“Plaintiff”) by counsel, pursuant to Fed. R. Civ. P. 65(a), hereby moves this Honorable Court to issue a preliminary injunction against the Defendants, Klodian Belegu, Quality Air Care Corporation, RM Water Damage Restoration LTD, and 911 Sewer & Drain Corporation (collectively, the “Defendants”), restraining and enjoining Defendants from the unauthorized use of the “Rooterman” trademarks, service marks, and other marks, all as detailed in Exhibit B to the Verified Amended Complaint filed December 16, 2024, and to restrict Belegu (either individually, or through his entities) from competing and soliciting and using Plaintiff’s confidential and proprietary information in violation of the restrictive covenants in his terminated franchise agreements.

In support of the Motion, Plaintiff relies on the substance of its Verified Amended Complaint (Dkt. No. 7), and on its Revised Memorandum in Support of Motion for Preliminary Injunction, filed herewith. In accordance with Fed. R. Civ. P. 65(c), Plaintiff agree, to the extent

warranted by the circumstances of this case, to give security in an amount that the Court considers proper.

On December 16, 2024, Plaintiff gave Defendants e-mail notice of (and a copy of) the Verified Amended Complaint, and further, Plaintiff gave Defendants email notice (and a copy of) this filing.. The undersigned counsel has been communicating directly with Klodian Belegu by email at the same address used for such notice for approximately two months. And, Mr. Belegu utilized that same address to communicate with the parties' mediator, as the parties attempted mediation on December 4, 2024. Thus, the undersigned counsel represents that it is reasonable to believe that Defendants have received a copy of the amended complaint by email. Moreover, on December 18, 2024, the undersigned received a telephone call from counsel who claimed they would be entering an appearance for Defendants, Mark J. Randazza Esq. at the Randazza Legal Group, via his associate, Kylie Werk, Esq. Accordingly, a courtesy copy of this Motion has been served prior to such counsel filing their anticipated notice of appearance.

Plaintiff further notes for the Court's information that a related American Arbitration Association ("AAA") case, Case No. 01-24-0009-0057, has been filed. While disputes between the parties are required to be arbitrated under their franchise agreement, there is an exception to that requirement where, as here, Plaintiff-franchisor seeks to enforce the alleged misuse of its intellectual property rights and breach of restrictive covenants. That said, there are also unpaid royalties alleged against Defendants-franchisees, and such matters are required to be exclusively litigated and resolved in Arbitration. For these reasons, a corresponding and related arbitration was simultaneously filed between the same parties herein.

Plaintiff understands that this Court has set a hearing on the prior withdrawn Motion for January 9, 2025. Plaintiff requests that same date be held for this revised Motion, but notes that

anticipated counsel for Defendants is requesting an assented to new time for such Motion in light of a conflict, so Plaintiff hereby informs the Court that there may be an assented to motion in that regard to follow.

WHEREFORE, Plaintiff moves the Court to grant its Motion and issue a preliminary injunction, enjoining the Defendants with the proposed Order appended below.

ROOTERMAN, LLC

By Counsel

Dated: December 19, 2024

Jeffrey M. Rosin

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December 2024, the Plaintiff's revised Motion for Preliminary Injunction and Expedited Hearing was electronically filed. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

Jeffrey M. Rosin

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